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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/666,281	09/21/2000	Jin Soo Lee	III-019	8469

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EXAMINER

MAHMOUDI, HASSAN

ART UNIT	PAPER NUMBER
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2175

DATE MAILED: 07/11/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/666,281

Applicant(s)

LEE ET AL.

Examiner

Tony Mahmoudi

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-- Th MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 28 April 2003.
- 2a) ☒ This action is FINAL. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-4, 6 and 14-20 is/are rejected.
- 7) ☒ Claim(s) 5 and 7-13 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____
- 4) ☐ Interview Summary (PTO-413) Paper No(s) _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

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DETAILED ACTION

Remarks

1. In response to communications filed on 28-April-2003, claims 1-20 are pending in the application.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-3 and 6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ma et al (U.S. patent No. 6,347,313) in view of Liddy et al (U.S. patent No. 6,304,864.)

As to claim 1, Ma et al teaches a multimedia data structure reflecting change of a user relevance feedback (see column 1, lines 5-10) for determining weights of image features used for an image search, comprising:

- (a) information describing at least one feature of a certain image (see column 3, lines 18-23);
- and

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(b) recent user feedback information (see column 3, lines 37-56) based on user relevance feedback (see column 6, lines 45-50.)

Ma et al does not teach:

(c) whole feedback information based on the user relevance feedback.

Liddy et al teaches a system for retrieving multimedia information (see Abstract), in which she teaches whole feedback information based on the user relevance feedback (see column 12, lines 9-24, and see column 13, lines 26-38, where “whole feedback” is read on “relevance feedback” on a “periodic time interval”).

Therefore, it would have been obvious to a person having ordinary skill in the art at the time the invention was made to have modified Ma et al to include whole feedback information based on the user relevance feedback.

It would have been obvious to a person having ordinary skill in the art at the time the invention was made to have modified Ma et al by the teaching of Liddy et al, because having whole feedback information based on the user relevance feedback, would enable the system to define periodic intervals automatically, or as set by the user, to allow accumulation of all relevance feedback on a particular object (image) to be captured, in order to categorize the objects (image) based on whole user relevance feedback.

As to claim 2, Ma et al as modified teaches wherein the recent user feedback information is determined for a predetermined time period (see Liddy et al, column 12, lines 13-14, where “predetermined time period” is read on “interval may be 15 minutes”) or by a predetermined

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frequency (see Liddy et al, column 12, lines 21-22, where “predetermined frequency” is read on “X number of documents”.)

As to claim 3, Ma et al as modified teaches wherein the recent user feedback information is a weight value learned by the user relevance feedback or a similar image information (see Ma et al, column 6, lines 49-50, and see column 8, lines 4-10), and the whole feedback information is represented by a weight value learned by previous feedback (see Liddy et al, column 13, lines 30-33.)

As to claim 6, Ma et al as modified teaches the method comprising:

representing the recent user feedback information by a similar image list (see Liddy et al, column 8, lines 60-64); and

reflecting a recent user feedback pattern by the similar image list (see Liddy et al, column 3, line 64 through column 4, line 9), using a queue algorithm (see Liddy et al, column 10, lines 34-38.)

4. Claims 4 and 14-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ma et al (U.S. patent No. 6,347,313) in view of Liddy et al (U.S. patent No. 6,304,864), as applied to claims 1-3 and 6 above, and further in view of Cohen (U.S. Patent No. 6,067,539.)

As to claim 4, Ma et al as modified does not teach the data structure further comprising recent user feedback reliability information representing how reliable the recent user

feedback information is, and whole feedback reliability information representing how reliable the whole feedback information is.

Cohen teaches an intelligent information retrieval system (see Abstract), in which he teaches: recent user feedback reliability information representing how reliable the recent user feedback information is (see column 7, lines 51-56), and whole feedback reliability information representing how reliable the whole feedback information is (see column 2, lines 45-64, where “whole feedback” is read on “updating the score with scores received on previous message”).)

Therefore, it would have been obvious to a person having ordinary skill in the art at the time the invention was made to have modified Ma et al as modified to include recent user feedback reliability information representing how reliable the recent user feedback information is, and whole feedback reliability information representing how reliable the whole feedback information is.

It would have been obvious to a person having ordinary skill in the art at the time the invention was made to have modified Ma et al as modified, by the teaching of Cohen, because recent user feedback reliability information representing how reliable the recent user feedback information is, and whole feedback reliability information representing how reliable the whole feedback information is, would increase the efficiency and accuracy of the entered feedback and allow data (images) with the most relevant/reliable user feedback to receive a higher rank/weight for presentation to the user than data (images) with a lower reliability score.

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As to claim 14, Ma et al teaches a method of determining weights of image features used for an image search based on user relevance feedback (see Abstract), comprising:

(a) providing a multimedia data structure (see column 1, lines 5-10) including information describing the features of a certain image (see column 3, lines 18-23), and recent user feedback information for the image (see column 3, lines 37-56, and see column 6, lines 45-50);

(b) updating the recent user feedback information (see column 2, lines 28-33);

(c) determining weights of the image features in proportion to the reliabilities of the recent feedback information (see column 6, lines 11-18.)

Ma et al does not teach: whole feedback information for the image; and determining weights of whole feedback information, or both the recent feedback information and the whole feedback information.

Liddy et al teaches a system for retrieving multimedia information (see Abstract), in which she teaches: whole feedback information for the image (see column 12, lines 9-24, and see column 13, lines 26-38, where “whole feedback” is read on “relevance feedback” on a “periodic time interval”); and determining weights of whole feedback information, or both the recent feedback information and the whole feedback information (see column 13, lines 15-18.)

Therefore, it would have been obvious to a person having ordinary skill in the art at the time the invention was made to have modified Ma et al to include whole feedback information for the image; and determining weights of whole feedback information, or both the recent feedback information and the whole feedback information.

It would have been obvious to a person having ordinary skill in the art at the time the invention was made to have modified Ma et al by the teachings of Liddy et al, because obtaining

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whole feedback information for the image; and determining weights of whole feedback information, or both the recent feedback information and the whole feedback information, would enable the system to define periodic intervals automatically, or as set by the user, to allow accumulation of all relevance feedback on a particular object (image) to be captured, in order to categorize the objects (image) based on whole user relevance feedback and based on the weights (ranking) of relevance of the entered feedback.

Ma et al as modified still does not teach reliability information corresponding to the recent user feedback information and whole feedback information; and updating whole feedback information and their reliabilities by learning them in response to the user relevance feedback.

Cohen teaches an intelligent information retrieval system (see Abstract), in which he teaches reliability information corresponding to the recent user feedback information (see column 7, lines 51-56), and whole feedback information (see column 2, lines 45-64, where “whole feedback” is read on “updating the score with scores received on previous message”); and updating whole feedback information and their reliabilities by learning them in response to the user relevance feedback (see column 7, lines 36-38.)

Therefore, it would have been obvious to a person having ordinary skill in the art at the time the invention was made to have modified Ma et al as modified to include reliability information corresponding to the recent user feedback information and whole feedback information; and updating whole feedback information and their reliabilities by learning them in response to the user relevance feedback.

It would have been obvious to a person having ordinary skill in the art at the time the invention was made to have modified Ma et al as modified, by the teaching of Cohen, because reliability information corresponding to the recent user feedback information and whole feedback information; and updating whole feedback information and their reliabilities by learning them in response to the user relevance feedback, would increase the efficiency and accuracy of the entered feedback and allow data (images) with the most relevant/reliable user feedback to receive a higher rank/weight for presentation to the user than data (images) with a lower reliability score.

As to claim 15, Ma et al as modified teaches wherein the recent user feedback information is represented by a weight value learned by the user relevance feedback or a similar image information (see Ma et al, column 6, lines 49-50, and see column 8, lines 4-10), and the whole feedback information is represented by a weight value learned by previous feedback (see Liddy et al, column 13, lines 30-33.)

As to claim 16, Ma et al as modified teaches wherein the reliability of the recent user feedback information (see Cohen, column 7, lines 51-56) is determined in proportion to a consistency of a recently used pattern or feedback (see Liddy et al, column 3, line 64 through column 4, line 9.)

As to claim 17, Ma et al as modified teaches wherein the reliability of the whole feedback information is determined in proportion to the number of feedback concerned in learning (see Cohen, column 9, lines 32-51.)

As to claim 18, Ma et al as modified teaches wherein the reliability of the whole feedback information is responsive to recorded usage records wherein the recorded user usage records provide feedback to the reliability of the whole feedback information without user interaction (see Cohen, column 4, lines 31-39.)

As to claim 19, the applicant is directed to the remarks and discussions made in claim 14 above.

As to claim 20, Ma et al as modified teaches wherein the reliability information indicates reliability of both the user feedback information (see Cohen, column 7, lines 51-56) and the whole feedback information (see Cohen, column 2, lines 45-64, where “whole feedback” is read on “updating the score with scores received on previous message.)

Allowable Subject Matter

5. Claims 5 and 7-13 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

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6. The following is a statement of reasons for the indication of allowable subject matter:

The prior art of record, Ma et al (U.S. Patent No. 6,347,313), Liddy et al (U.S. Patent No. 6,304,864), and Cohen (U.S. Patent No. 6,067,539) do not disclose, teach, or suggest the claimed limitations of (in combination with all other features in the claims):

wherein the recent user feedback reliability information is expressed by

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$$1 - \frac{\left[\sum_{i=0}^{i=m} (N - n_i) \right]}{N}$$

where, N is the number of feedback, m is the number of images in the similar image list, and n(i) is the number of feedback given to the i-th image, as claimed in claim 5.

The prior art of record, Ma et al (U.S. Patent No. 6,347,313), Liddy et al (U.S. Patent No. 6,304,864), and Cohen (U.S. Patent No. 6,067,539) do not disclose, teach, or suggest the claimed limitations of (in combination with all other features in the claims):

(b) if it is checked that the corresponding object does not exist in the current queue, inputting the corresponding object to an uppermost space of a queue entrance, setting the number of feedback of the corresponding object to "1", and shifting objects existing in the queue to lower positions by one space;

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(c) if it is checked that the corresponding object exists in the current queue, increasing the number of feedback of the corresponding object, and shifting the objects existing in the queue to upper positions by "N"; and

(d) if any object is shifted to the lower position over a size of the queue at the respective steps, deleting the corresponding object from the queue, as claimed in claim 7.

Claims 8-10 are objected to as being dependent upon the objected to dependent claim 7.

The prior art of record, Ma et al (U.S. Patent No. 6,347,313), Liddy et al (U.S. Patent No. 6,304,864), and Cohen (U.S. Patent No. 6,067,539) do not disclose, teach, or suggest the claimed limitations of (in combination with all other features in the claims):

wherein the recent user feedback information is represented as a similar image list, and the similar image list has an image list structure composed of a similar image identification, a score reflecting the current feedback, and a waiting duration representing a time period between the final feedback time point and the present time point, as claimed in claim 11.

Claims 12-13 are objected to as being dependent upon the objected to dependent claim 11.

Response to Arguments

7. Applicant's arguments filed on 28-April-2003 with respect to the cited references have been fully considered but they are not found to be persuasive:

In response to applicants' arguments that "the cited references must teach or suggest all the features in claim 1", and that "the Ma patent does not teach or suggest a data structure used for determining weights of image features of an image search which includes all user feedback information input up to a current point in time", the arguments have been fully considered but are not found to be persuasive, because Ma et al teaches a multimedia data structure (see column 1, lines 7-9, where "multimedia data structure" is read on "content – based multimedia retrieval") reflecting change of a user relevance feedback (see column 1, lines 9-10) for determining weights of image features used for an image search (see column 6, lines 44-60, and see column 2, lines 55-67), which includes recent user feedback information (see column 3, lines 37-56.) The "whole feedback" information is taught by the secondary reference, Liddy et al (see column 12, lines 9-24, and see column 13, lines 26-38, where "whole feedback" is read on "feedback on a periodic time interval".)

In response to applicants arguments that "there must have been some teaching or suggestion in existence at the time the claimed invention was made that would have led one of ordinary skill in the art to combine the references in an attempt to form the invention", and that "none of the references of record provide such teaching or suggestion", the arguments have been fully considered but are not found to be persuasive, because the examiner recognizes that obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. See *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596

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(Fed. Cir. 1988) and *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992). In this case, the examiner is establishing obviousness in the knowledge generally available to one of ordinary skill in the art, to modify the invention of Ma et al with the teaching of Liddy et al, as explained in the previous office action.

In response to applicants arguments that “the Liddy patent does not teach or suggest that the neural network is based on whole feedback information, e.g., all user feedback information input up to a current point in time”, the arguments have been fully considered but are not found to be persuasive, because Liddy et al teaches obtaining feedback from the users over a “time period” (see column 12, lines 9-24, and see column 13; lines 26-38, where “evolution time” is taught by Liddy et al to be “a clock time set by the user via the GUI”, which indicates that the clock could be set on any desired time period and/or interval.)

In response to applicants arguments that “the Cohen patent does not disclose including both recent user feedback and whole feedback information in the same data structure”, and that “Cohen does not provide a teaching or suggestion for motivating one of ordinary skill in the art to modify a data structure including recent user feedback information to also include whole feedback information”, the arguments have been fully considered but are not found to be persuasive, because the combination of Ma et al and Liddy et al patents established the above teachings, as explained in claim 1 above. Cohen is cited by the examiner for the teachings of “feedback reliability” recitation, as explained in the previous office action.

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Conclusion

8. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).


A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

9. Any inquiries concerning this communication or earlier communications from the examiner should be directed to Tony Mahmoudi whose telephone number is (703) 305-4887. The examiner can normally be reached on Mondays-Fridays from 08:00 am to 04:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Dov Popovici, can be reached at (703) 305-3830.

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July 02, 2003


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